

*Says Federal Flexibility would help Arizona Re-Open Closed Interstate Rest Stops*

**WASHINGTON** - U.S. Rep. Harry Mitchell today called for a change in a five decade old law that is preventing the State of Arizona from exploring options to re-opening highway rest stops.

Mitchell, a member of the House Transportation and Infrastructure Committee, wrote to Committee Chairman James Oberstar calling for a review of federal law which prohibits some states, including Arizona, from allowing commercial services in rest areas along federal highways while exempting other states from the prohibition.

"In the wake of the recent economic downturn, the impact this is having on Arizona is especially severe," wrote Mitchell. "In a state as vast as Arizona, with interstates cutting across hundreds of miles of open desert, I believe this is a matter of safety."

Arizona has the largest budget gap in the country when measured as a percentage of its overall budget and the state's Department of Transportation is operating in debt. It has already closed 12 field offices, cut 10 percent in staff and has deferred close to \$400 million in construction projects. [Sources: [National Public Radio](#) , March 6, 2010; [New York Times](#) , March 4, 2010]

Additionally, ADOT was recently forced to close 13 of the state's 18 highway rest stops due to budget concerns. [Source: [KNXV-ABC15](#) , February 15, 2010]

ADOT cannot pursue plans to open commercial rest stops due to current federal law prohibiting states such as Arizona with Interstates built after 1960 from privatizing or commercializing their rest areas.

*Below is the text of the letter Congressman Mitchell wrote to Chairman Oberstar:*

March 10, 2010

Dear Chairman Oberstar:

As the Committee on Transportation and Infrastructure continues its work on reauthorization of the nation's surface transportation system, I respectfully urge you to consider reevaluating the prohibition against states allowing commercial services in rest areas along federal highways.

As you know, 23 U.S.C. § 111(a) specifically prohibits states from establishing, "automotive service stations or other commercial establishments for serving motor vehicle users to be constructed or located on the rights-of-way of the Interstate System."

As you also know, a number of states with existing establishments on rights-of-way at the time this law was originally passed were grandfathered into the Interstate System. Consequently, some states are allowed to have commercial rest stops along their interstate highways, and some are not. Arizona is not.

In the wake of the recent economic downturn, the impact this is having on Arizona is especially severe. The Arizona Department of Transportation was recently forced to close 13 of its 18 highway rest stops to help close its state budget gap. Moreover, it was forced to do so while other states, who continue to enjoy an exemption from the federal rest stop prohibition, were not.

This is not just a matter of fairness, however, or mere comfort or convenience. In a state as vast as Arizona, with interstates cutting across hundreds of miles of open desert, I believe this is a matter of safety.

Thank you for your consideration.

Sincerely,

## **Mitchell: Overturn Federal Ban on Rest Stops**

Tuesday, 09 March 2010 23:00

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Harry E. Mitchell  
Member of Congress